
(1966) 11 AP CK 0014
In the Andhra Pradesh High Court
Case No : S.C.L.P. No. 97 of 1966

State of Andhra Pradesh and Another	APPELLANT
Vs	
Digyadarsan Rajendra Ram Dasjee Varu	RESPONDENT

Date of Decision : 25-11-1966

Acts Referred:

Constitution of India, 1950 — Article 133(1)

Citation : AIR 1969 AP 9

Hon'ble Judges : Krishna Rao, J; Chandrasekhara Sastry, J

Bench : Division Bench

Advocate : Govt. Pleader, for the Appellant; T.V. Ranga Charya, for the Respondent

Judgement

Chandrasekhara Sastry, J.—This is a petition under Article 133 of the Constitution of India for leave to appeal to the Supreme Court against our judgment in W. P. 1589 of 1965. By our judgment we allowed the Writ Petition and quashed the order of the Government suspending the respondent from the office of Mahant Sri Swamy Hathiramjee Mutt, Tirupati. We held that the Government had no power to suspend the respondent from the office of Mahant in the manner they did and their only power was to proceed to take action under the provisions of the Madras Hindu Religious and Charitable Endowments Act. Pending disposal of the Writ Petition it appears that pursuant to the order suspending the respondent from the office of Mahant he was dispossessed from the properties belonging to the Mutt and he was sent out of Mutt Premises. The Mutt and its properties are now in the possession of the Assistant Commissioner of Hindu Religious and Charitable Endowments, Tirupati. Therefore, we directed the Government to restore to the respondent the possession of Mutt and its properties. It is this order that is sought to be appealed against to the Supreme Court. This petition for leave to appeal is strenuously opposed by the respondent's learned counsel.

2. Originally the petition for leave was filed only under sub-clauses (a) and (c) of Clause (1) of Article 133 of the Constitution of India but when the petition was

called on for hearing, the learned Government pleader stated that due to oversight he omitted to mention sub-clause (b) also in the petition and requested us to permit him to amend the petition by mentioning sub-clause (b) of Clause(1) also and we permitted him to do so.

3. The learned Third Government Pleader did not attempt to bring this under sub-clause (a) but he sought it to bring only under sub-clauses (b) and (c) of Cl. (1) of Art. 133 of the Constitution of India.

4. We are unable to hold that this case is a fit one to appeal so as to entitle the petitioner to appeal to the Supreme Court under sub-clause (c) but we think that the petitioner is entitled to appeal under sub-clause(b) of Art. 133 on the ground that our judgment involves directly or indirectly some claim or question respecting the property worth twenty thousand rupees. It is common ground that the properties belonging to the Mutt are worth several lakhs of rupees. Now the objection on behalf of the respondent is that this case does not involve either directly or indirectly any question or claim respecting the property itself, but the question involved is only one relating to the right of the Government to pass the order of suspension which was quashed by us in this Writ Petition.

5. Before the order of suspension was passed, the respondent was in possession of Mutt and Mutt properties and pursuant to the order of suspension he was dispossessed. By our judgment the respondent was directed to be restored to possession of the Mutt and the Mutt properties. The respondent claimed to be the lawful Mahant of the Mutt but the Government disputed his right to be Mahant. They claimed that the respondent was in possession only as per the order passed by the Government to act only as interim Mahant Pending settlement of the dispute between the rival claimants to dispute the Government claims to manage the Mutt and its properties.

6. As a result of our judgment the respondent will have to be restored to possession of the Mutt and its properties. Thus the case involves indirectly the claim or question respecting the property of the Mutt which is admittedly worth several lakhs of rupees. It follows that the case falls under sub-clause (b) of Clause (1) of Article 133 of the Constitution. Hence the petitioner will have leave to appeal to the Supreme Court.

7. Having regard to the facts of the case, we think it is unnecessary to consider any of the cases cited by the learned by the learned counsel on both sides.

8. The petition is allowed.

AKJ/D.V.C.

9. Petition allowed.